



YOUTH COMMUNITY CORRECTIONS BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: YCC 100-5	Subject: REVOCATION PROCEDURES OVERVIEW
Chapter 100: VIOLATION / DETENTION PROTOCOL	Page 1 of 3
Applicable ACA Standards: 2-7159	Revision Date: 03-03, 01-09-06, 11-23-07, 08-17-09
Signature: /s/ Karen Duncan	Effective Date: 12-31-02
Signature: /s/ Steve Gibson	

I. BUREAU DIRECTIVE:

The Youth Community Corrections (YCC) Bureau will establish procedures to hold youth accountable for his/her misconduct. Revocation action should be initiated when a youth becomes a significant risk to the community or others or when his/her actions warrant a placement into a secure level of care. This procedure will be reviewed annually and updated as needed.

II. DEFINITIONS:

Detention - the holding or temporary placement of the youth in the youth's home under house arrest or in a facility other than the youth's own home for the purpose of ensuring the continued custody of the youth at any time after the youth is taken into custody.

Hearings Officer - a Regional Administrative Officer or Juvenile Parole Officer II employed by Department of Corrections and who has not been directly involved in the case of the youth for whom the hearing is held.

Juvenile Parole Agreement - a document outlining conditions of parole and signed by a youth prior to release from a correctional facility or secure-care facility contracted with the State of Montana.

On-Site Hearing - a formal parole hearing conducted by a Youth Community Corrections Hearings Officer to determine if a preponderance of evidence exists on parole violations to support a revocation to a state youth correctional facility.

III. PROCEDURES:

- A. The Juvenile Parole Officer (JPO) will conduct an investigation in response to any parole violation (refer to [YCC 100-1, Parole Violation Overview](#)).
- B. If the investigation determines that a community plan can be continued or modified to some degree, the JPO will have an Intervention with the youth and his/her family (refer to [YCC 100-2, Interventions - Graduated Sanctions](#)).
- C. If, upon conclusion of this investigation, the JPO has sufficient evidence to believe a youth has committed specific parole violation(s) and these alleged violations are chronic and/or serious and present a significant risk to public safety, the JPO should proceed with plans for an On-Site Hearing (refer to [YCC 100-4, On-Site Hearings](#)).

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- D.** Pending the On-Site Hearing, a youth may not be detained except when the youth's detention or care is required to protect the person or property of the youth or of others or when the youth may abscond or be removed from the community (refer to [YCC 100-3, Detention Procedures](#)).

When the criterion listed above is met, a [Certificate to Detain \[YCC 100-3 \(A\)\]](#) may be issued. If the location of the youth is known, a Regional Detention Facility is contacted to determine if the youth will be accepted, and if space exists in that facility. Assistance in placing the youth into custody may be requested from other JPOs, probation and parole staff, or law enforcement officials. Precautions should be executed when transporting the youth to detention (refer to [YCC 90-1, Transportation of Youth](#)).

If the location of the youth is unknown, the [Certificate to Detain \[YCC 100-3 \(A\)\]](#) is given or sent to local law enforcement agencies. The [Certificate to Detain \[YCC 100-3 \(A\)\]](#) should be entered into National Crime Information Center (NCIC)/Criminal Justice Information Network (CJIN), whenever possible.

- E.** A [Notice of Alleged Violation of Parole Agreement \[YCC 100-4 \(A\)\]](#) form is served on the youth preferably within 24 hours of detainment and at least 72 hours prior to the hearing. If the youth indicates that he/she would like to sign a [Waiver of Right to a Hearing \[YCC 100-4 \(B\)\]](#), follow the procedure in [YCC 100-4, On-Site Hearing](#) IV.B. If the youth is requesting a hearing, follow procedure in [YCC 100-4, On-Site Hearing](#) IV.C.
- F.** Unless the youth provides his or her own attorney, the Juvenile Parole Officer will secure an attorney for the youth and provide all appropriate written information to the youth, parent, attorney, and hearings officer for review prior to signing a waiver or holding a hearing
- G.** JPO will participate in the On-Site Hearing as directed by the Hearings Officer and according to [YCC 100-4, On-Site Hearing](#).
- H.** Following a hearing or waiver, and upon receipt of an [Order of Revocation \[YCC 100-4 \(D\)\]](#) by the Hearings Officer, the JPO is responsible for making detention and transportation arrangements for youth. The JPO is also responsible for contacting the youth correctional facility to ensure space is available and to confirm a time for reception of the youth. The JPO is also responsible for ensuring all paperwork is distributed according to [YCC 100-4, On-Site Hearing](#).

IV. CLOSING:

Questions concerning this procedure shall be addressed to the Youth Community Corrections Bureau Chief.

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V. REFERENCES:

<u>41-5-1523, MCA</u>	<u>Commitment to Department or Youth Court - Supervision</u>
<u>52-5-127, MCA</u>	<u>Control over Youth Release under Parole Agreement</u>
<u>52-5-128, MCA</u>	<u>Detention of Youth Who Violates Parole Agreement</u>
<u>52-5-129, MCA</u>	<u>Hearing on Alleged Violation of Parole Agreement - Waiver of</u>
	<u>Hearing -Right to Appeal Outcome</u>
<u>YCC 4.7.4</u>	<u>Violation of Juvenile Parole Agreement</u>
<u>YCC 90-1</u>	<u>Transportation of Youth</u>
<u>YCC 100-1</u>	<u>Parole Violation Overview</u>
<u>YCC 100-2</u>	<u>Interventions - Graduated Sanctions</u>
<u>YCC 100-3</u>	<u>Detention Procedures</u>
<u>YCC 100-4</u>	<u>On-Site Hearings</u>

VI. ATTACHMENTS:

None